IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE NINTH DAY OF JUNE
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE B.PRAKASH RAO

WRIT PETITION NO.19361 of 1995

Between:

1 Hussain Bin Saleh S/o Saleh Bin Obaid, H.No.19-4-8/355, Bandlaguda, Hyderabad
2 Nazia D/o shamsheer Khan, H.No.19-4-8/430, Bandlaguda, Hyderabad
3 Mohd Shakeel S/o M.Fareeduddin, H.No.19-4-8/373, Bandlaguda, Hyderabad
4 Farjana D/o M.Fareeduddin, H.No.19-4-8/,356, Bandlaguda, Hyderabad
5 Mohd Kaleem S/o Shujauddin, H.No.19-4-8/431, Bandlaguda, Hyderabad
6 Mohd jameel S/o Shamsuddin, H.No.19-4-8/418, Bandlaguda, Hyderabad
7 Nawazkahan S/o Munawar Khan, H.No.19-4-8/368, Bandlaguda, Hyderabad
8 Sabhera D/o Ahmed Bin Mohd, H.No.19-4-8/432, Bandlaguda, Hyderabad
9 Khader S/o Mustafa, H.No.19-4-8/444, Bandlaguda, Hyderabad
10 Mohd Fareeduddin S/o Shujauddin, H.No.19-4-8/372, Bandlaguda, Hyderabad

...PETITIONERS

AND

1 The State of A.P., represented by its Secretary to Government, Revenue and Urban Ceiling, Hyderabad.
2 The Special Officer and Competent Authority, Urban Land Ceilings, Hyderabad.

3 The Mandal Revenue Officer,
Charminar Mandal, Hyderabad.
4 Ram Reddi Venkat Reddy S/o Ram Reddy,
R/o H.no.18-4-297, Alibad,Hyderabad.

...RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue an order Writ or direction one in the nature of mandamus:-a) Declaring the action of the respondents No 2 in determining that the land in S.No222& 229 situated at Bandlaguda Village, Charminar Mandal, Hyderabad to an extent of Ac.1-17 gts & Ac.0-37 gts respectively as vacant land belonging to 4th respondent when it is held by the petitioners and dispossessing them from the houses constructed on it without issuing any notice as contemplated under section 8,9,10 of the Act through proceedings bearing No.D/12294/1976/dt. 4-5-1992 is arbitrary and illegal and against to the principles of natural justice, b)awarding costs.

Counsel for the Petitioners: MR.M.RAMA RAO

Counsel for the Respondents: GP FOR REVENUE

The Court made the following :

ORDER:

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Heard the learned counsel for the petitioner and the learned counsel for the respondents.

It is submitted by the learned counsel for the petitioners that the Government had issued G.O.Ms.No.455 (Revenue (UCI) Department dated 29.07.2002 for allotment of excess lands under Section 23 of the Act which are already under occupation of third parties and also issued guidelines to that effect. It is further submitted that the petitioners have approached the 2nd respondent for regularization of constructions

made by them in the land bearing Sy.No.222 and 229 of Bandlaguda village, Charminar mandal, Hyderabad, in terms of the said G.O., and the same is still pending.

In view of the same, it is not necessary to go into the merits of the case. Suffice it to direct the respondents to consider the request of the petitioners on merits and in accordance with law.

The writ petition is accordingly dismissed. No order as to costs.

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09.06.2005

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Copy to:

1 The Secretary to Government,
Revenue and Urban Ceiling, Hyderabad.
2 The Special Officer and Competent Authority,
Urban Land Ceilings, Hyderabad.
3 The Mandal Revenue Officer,

Charminar Mandal, Hyderabad.

4. Two CCs to GP for Revenue, High Court Buildings, Hyderabad (OUT).

5. Two CD copies.